

**MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING - NOVEMBER 5, 2008 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

1. CALL TO ORDER.

Mayor Stearley called the meeting to order at 6:30 P.M.

All Councilors were present. Also present was Ms. Karen Mahalick, Planning & Zoning Manager, and Ms. Estefanie Muller, Clerk-Treasurer.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA.

MOTION: Councilor Felton made a motion to approve the Agenda as presented. Councilor Abrams seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felon voted aye. Councilor Abrams voted aye. The motion carried.

4. MATTERS FROM THE MAYOR.

A. Library Status Update.

Mayor Stearley reviewed the lighting, carpeting and the refinishing of the wood floor with the Council. He stated the projected time to move in is before Christmas.

B. Attorney General Response.

Mayor Stearley reviewed the letter from the Attorney General that listed instructions for late distribution of documents but that no further action would be taken.

Councilor Felton clarified that his understanding was that the document was only one day late and the response recognized that some of the requested information was difficult to produce and he commended Ms. Muller on her good work in this matter.

5. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

Councilor Abrams requested a review of the individuals that he has submitted for the Energy Committee Seats and he asked that if anyone had any other suggestions to provide them to the Mayor.

Mayor Stearley stated that he would be sure this was placed on the next agenda and would go over it with Councilor Abrams before hand to be sure it was satisfactory.

Councilor Simmons discussed the Chamber of Commerce Annual Dinner was a great success.

C. Presentation on Flooring – Mr. John Giovenco.

Mayor Stearley introduced Mr. Giovenco.

Mr. Giovenco provided some samples of flooring to the Council as well as the prices and product information and value. The Council looked at the samples and discussed the

different options.

Mayor Stearley discussed the type of carpeting that is in the Tijeras Library.

Mayor Stearley stated that the building owner asked that adhesive glue not be used in the installation of the carpet in order to preserve the wood flooring.

Mayor Stearley discussed the issue with comparing quality and the trouble with comparing bids.

Mayor Stearley discussed using GSA Contracts to purchase the carpeting.

Councilor Simmons asked about the GSA Contracts and warranties.

Mayor Stearley stated that he felt the best thing to do was to go with the GSA Carpeting.

Mr. Giovenco stated that he felt like he was being passed over for the GSA Contracts and that he was not given the opportunity to bid.

Councilor Simmons asked about the possibility of entertaining a local bid.

Councilor Hill stated that it was time to back up and take a look at the budget as opposed to looking on carpet samples.

Councilor Hill suggested that if he could take a look at all the Mayor had put together that he would be interested in assisting in any way he could.

Councilor Simmons stated that she would like to work with the local businesses as much as the Town can.

Councilor Felton asked if the Council could still take a look at some bids and then make decision.

Councilor Hill stated that he would like to have some input as far as the use of green products and recycled material.

Mayor Stearley stated that he did not find any carpeting in Albuquerque that had recycled material.

Councilor Hill discussed paint that is friendlier to the environment.

Mayor Stearley stated that he had a budget with a breakdown and felt that this was at the administrative level and would like to move forward.

Councilor Simmons stated that she would like to encourage the Mayor to purchase locally when possible.

6. MATTERS FROM THE ATTORNEY.

Mr. Rael stated that he did not have any matter this evening but that it was very good to see everyone.

Councilor Simmons asked about the Anti-Donation Clause and other ways to address the issue of education, economic development, and entertainment and in some way support Wild Life West.

Councilor Felton stated that this needed to be placed on the next agenda.

Councilor Hill stated that he had requested that the Attorney attend this meeting to speak to him about his attendance to specific meetings on a regular basis.

Mayor Stearley stated that upon review of the Agenda the staff and himself decide whether the Attorney needs to attend.

Mayor Stearley stated that he would like to avoid regular meetings and bring him only when he is needed.

Councilor Felton stated that he feels that looking at the agenda and if there are any legal issues the Attorney be present.

Councilor Hill suggested that some thought needs to go into the creation of Agendas paying attention to items that he may need to be involved in.

Councilor Abrams stated that the Council may have benefited from the Attorneys presence on nights that policy issues were discussed.

Councilor Hill referred to the Library Minutes and the Mayors giving political advice.

Mayor Stearley stated that he was reporting the outcome of the vote.

Councilor Felton asked that Council focus on the Attorneys attendance to meetings.

Councilor Abrams and Councilor Simmons agreed.

Mr. Rael stated that he may need to re-evaluate his approach as he was used to the previous Mayors style but that he was willing to perform as required and maintaining his interruptions and advice to a legal extent only.

Mayor Stearley suggested that perhaps Mr. Rael should be included in the construction of the agenda and advise as to whether or not he should be present.

Councilor Felton requested that staff begin to prepare 3 Agendas on advance for Mr. Rael to review.

Councilor Hill stated that he felt this was a good idea.

Mayor Stearley reminded Council that the budget for the Attorney had been cut in half.

Councilor Hill stated he understood that those items could be revisited as needed.

Mayor Stearley requested that staff provide a summary of this decision to Council.

7. PUBLIC COMMENTS. (Limit to 2 minutes per person).

Ms. Myra Oden stated that she was glad to hear that there would not be adhesive glue placed on the wood floor of the library for carpeting purposes. Ms. Oden also stated that she would like the Town to create a Vendor Preference Resolution.

Councilor Felton stated that he would like Mr. Rael to respond as he did not feel this was legal.

Mr. Rael stated that there were a number of municipalities that have a Vendor Preference List but that this was just recently shot down and that the Town can consider location as a benefit to the community through GRT but that the Town may not put a monetary figure into the consideration. He also stated that for a full bid the Town did not have to go with the lowest bid, but that quotes must go to the lowest bidder and that this is determined by the amount.

Mayor Stearley stated that he thought this applied to services not products.

Mr. Rael clarified that product purchases from a dealer within the Town Boundaries there are certain criteria that the Town could request but that it must be within reason.

Mayor Stearley stated that he had asked staff to find out if the Town could use the GRT.

Councilor Hill suggested waiting until after the Legislative Session and then make a public policy decision at that time.

Councilor Felton stated that it is good for the public to hear this because the law is not always black and white.

Ms. Oden stated that the Chamber was asking the Town to consider local vendors when applicable.

Councilor Simmons asked for clarification from Mr. Rael about going with the lowest bidder.

Mr. Rael stated that the safest choice was to go with the lowest bidder unless the Town was fully prepared to justify their choice if it is not the lowest bid.

Mayor Stearley stated that the criteria would have to be laid out on the request for bids.

Mr. Chuck Ring stated that he appreciated the Town bringing the Attorney to the meeting. He also discussed the transit tax approved at the election of November 4th.

Mr. Bob Steiner discussed the roads and damage to windshields from speeding vehicles on Hill Ranch Road and requested that if the roads could not be paved at this time to at least get the Police out there in the hopes of slowing people down.

8. PUBLIC SAFETY REPORT – Officer Jesus Roybal.

D. Introduction of Officer Lorenzo Mata.

Officer Roybal introduced Officer Lorenzo Mata to the Council and public.

E. Edgewood Police Department Update.

Officer Roybal discussed some of the recent events that the department participated in as well as the monthly Police report.

Mayor Stearley asked if there had been activity regarding meth labs in the area.

Officer Roybal responded stating that Officer Garcia was working on this within this area.

Councilor Simmons asked about the parents paying restitution for the vandalism.

Officer Roybal stated that after adjudication the parents will then be asked to pay back the costs if the Judge sees fit to require it.

9. COMMUNITY DEVELOPMENT REPORT.

F. Approval of Equipment Operator

Ms. Mahalick reviewed this item for the Council and asked that they approve Mr. Jose Lopez for the position, starting pay to be \$13.57 per hour, six month probation with routine background and drug testing.

MOTION: Councilor Simmons made a motion to approve Mr. Jose Lopez for the Equipment Operator Position. Councilor Felton seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

G. Annexation In-Fill Petition.

Mr. Rael reviewed the criteria and the process for Council.

Councilor Simmons asked if services included road standards, Police and Fire.

Mr. Rael stated that the task is to ensure that the provision of services is physically possible meaning that the entire Municipality has to show is that, it intends to provide those services or will make a reasonable attempt to do so.

Mayor Stearley asked Ms. Mahalick if the roads that will need to be brought to a higher standard. Ms. Mahalick stated that the Town did not have to improve the roads.

Councilor Hill clarified that the level of service needs to be the same as the County was providing.

Councilor Simmons asked how often the Town could go to the Boundary Commission. Mr. Rael stated that the Town could go as often as the Council sees fit.

Councilor Hill asked about the fees involved.

Mr. Rael stated that the Town would be required to provide a venue to meet and pay the per-diem.

Councilor Hill stated that he felt that the Council had already agreed to move forward with this and asked that the petition be started by the appropriate party.

Mr. Rael stated Ms. Mahalick and he could put it together.

Councilor Felton asked if the line had been determined or firmed up at this time.

Ms. Mahalick stated that she would present the map drawing at the next meeting.

Mr. Rael stated this item would be placed on the Agenda adopting a Resolution approving the territory to be annexed and then the petition will be presented to the Boundary Commission.

Mayor Stearley requested that staff take care of this Resolution.

H. Frost Road Change Order.

Ms. Mahalick reviewed this item for the Council including the additional charges.

Mr. Tappan Mahoney presented the breakdown and description of the changes for Council.

MOTION: Councilor Simmons made a motion to approve the Frost Road Change Order. Councilor Hill seconded for discussion.

Councilor Hill clarified for the public that this change order was Owner generated and not Contractor generated.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

Councilor Simmons asked for the total again.

Ms. Mahalick stated that it was around \$31,000.00 but that she would provide the exact amount for Council.

10. SIGN ORDINANCE UPDATE.

Ms. Mahalick updated this item for the Council.

Mayor Stearley invited the Council and public to take a look at the new sign on Travis Lane. Ms. Mahalick stated that there were currently 8 businesses listed on the sign.

Councilor Simmons commented on the neon signs that have been traditional for Old Highway 66. Ms. Mahalick stated that this was acceptable according to the Sign Ordinance at this time as long as it meets the size and Night Sky requirements.

11. APPROVAL OF PREVIOUS MINUTES.

I. Regular Council Meeting Minutes of October 15, 2008.

MOTION: Councilor Felton made a motion to approve the Regular Council Meeting Minutes from October 15, 2008. Councilor Hill seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

12. ACKNOWLEDGEMENT OF THE PLANNING & ZONING COMMISSION MEETING MINUTES.

J. Planning & Zoning Commission Meeting of October 20, 2008.

MOTION: Councilor Abrams made a motion to acknowledge receipt of the Planning & Zoning Meeting Minutes of October 20, 2008. Councilor Simmons seconded for discussion.

Councilor Simmons asked if a Wind Ordinance had been passed. Ms. Mahalick stated that the Town had not but that they were looking at a way to accommodate them in the future and that there is not currently a prohibition on wind turbines.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

13. ANNOUNCEMENTS, CALENDAR REVIEW & FUTURE AGENDA ITEMS.

K. Legislative Presentation – Wednesday, November 12, 2008 @ 3:00 P.M.

Mayor Stearley stated that Council needed to choose a single project to focus on at this meeting.

Ms. Mahalick stated that the Public Works Facility was still in need of funds in the realm of \$300,000.00 to \$500,000.00 and this would be a finished project but does not include the purchase of the land.

Councilor Simmons asked if the land could be purchased after the building takes place. Mayor Stearley stated that it was his opinion that the land should be purchased before hand.

Councilor Hill stated that the Council needed to review any future legislation that could affect the Town as well as the Resolutions passed by the Municipal League.

Mayor Stearley asked if Councilor Hill had a particular Resolution that he would like to look at. Councilor Hill stated that he would be happy to go through them and determine if any deserve a closer look. Mayor Stearley stated that this would be fine.

Councilor Simmons discussed the Infrastructure Conference and stated that the funds were going to be called back if they had not been spent. She stated that the Navajo Nation stood to lose the most.

Mayor Stearley requested that Ms. Mahalick be prepared to review the status of the

Initials

Grants that the Town currently holds. Ms. Mahalick stated that she would be take care of this and reviewed the status to date for Council.

Councilor Hill discussed a flyer that he had received from NMCOG regarding the funds that are coming to the state in an effort to rehabilitate foreclosed properties.

L. Regular Council Meeting – Wednesday, November 19, 2008.

Mayor Stearley updated the Council on upcoming meetings that he has scheduled with Commissioner Anaya on Friday, November 14th and with Commissioner Pat Lyons on Tuesday, November 18th, and also a meeting with Commissioner Brasher.

Councilor Simmons stated that she would like to attend this meeting.
Mayor Stearley asked Ms. Muller to make note of this.

Note: The Town Hall Offices will be closed on Tuesday, November 11, 2008 in observance of Veteran's Day.

14. ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn the meeting.

VOTE: All Councilors voted aye.

Mayor Stearley adjourned the meeting at 8:20 P.M.

PASSED, APPROVED and ADOPTED this 19th day of NOVEMBER, 2008.

Honorable Robert Stearley, Mayor

ATTEST:

Estefanie B. Muller, Clerk-Treasurer